

Attorney Docket No.: 60188-606  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of :  
Kazuhiko YAMAMOTO : Customer No.20277  
Serial No.: 10/602,915 : Confirmation No.: 1774  
Filed: June 25, 2003 : Group Art Unit: 2811  
For: SEMICONDUCTOR DEVICE AND METHOD FOR FABRICATING THE SAME : Examiner: QUANG D. VU

**ELECTION UNDER 35 U.S.C. § 121**

Mail Stop Non-Fee Amendment  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action  
mailed February 24, 2004, having a shortened statutory period for response set to  
expire March 24, 2004, wherein the Examiner required restriction between the  
following Groups:

- Group I - Claims 1-4 and 19, drawn to a semiconductor device; and
- Group II - Claims 5-18 and 20, drawn to method for fabricating a semiconductor device.

Applicant elects without traverse, Group I - claims 1-4 and 19 for initial prosecution on  
the merits. Please cancel claims 5-18 and 20, without prejudice.

Applicant also reserves the right to file a Divisional Application for the non-elected claims 5-18 and 20, which the Examiner has indicated is patentably distinct.


Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

Respectfully submitted,

McDERMOTT, WILL & EMERY

Date: 3/23/04

By:

  
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